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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PHILIP WOLFE, KATALINA DURDEN,
MELISSA LEWIS, JUNIPER SIMONIS,
individually, and DISABILITY RIGHTS
OREGON, an Oregon nonprofit and
advocacy corporation,

Plaintiffs,

v.

Case No. 3:20-cv-01882-SI

SUPPLEMENTAL DECLARATION OF
JUNIPER SIMONIS IN SUPPORT OF
PLAINTIFFS' REPLY IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION

CITY OF PORTLAND, a municipal
corporation; TED WHEELER, in his official
capacity; CHUCK LOVELL, in his official
capacity; MULTNOMAH COUNTY, a
political subdivision of the State; MICHAEL
REESE, in his official capacity; TERRI
DAVIE, in her official capacity; CHAD
WOLF, in his individual capacity;
ALEJANDRO MAYORKAS, in his official
capacity; DONALD WASHINGTON, in his
individual and official capacity; and DOES 1-
100, individual and supervisory officers of
local, state, and federal government,

Defendants.

I, Juniper Simonis, hereby declare and state as follows:

1. I am 18 years of age or older and am otherwise competent to make this declaration. I am an individual plaintiff in this action. I make this declaration on personal knowledge of the matters stated in this declaration or from sources deemed reliable.
2. I reside in Portland, Oregon with my service dog, Wallace. I am an environmental data scientist and a progressive activist.

3. I am non-binary and transgender. My government-issue identifications all list my sex as female, and my pronouns are “they/them.”

4. As a person living with Complex Post-Traumatic Stress Disorder (PTSD), I am also a person with a disability.

5. PTSD presents differently for every person. For me, it manifests as obsessive-compulsive tendencies, hypervigilance, panic attacks, and dissociative episodes. Being in crowds or otherwise surrounded by people often exacerbates these symptoms, as does being touched or startled by strangers.

6. My PTSD makes attending protests extremely difficult. I am constantly in danger of over-stimulation which is both mentally and physically exhausting. Despite the significant toll, I am still committed to protesting as a means of fighting for racial and environmental justice in solidarity with other marginalized groups.

7. I am making this declaration to update the information I provided to the court in my last declaration and to describe my experiences protesting from January of this year to the present.

8. Significant risks exist for people protesting right now, to the point that I, as someone who has been attending these protests for a long time and is significantly disabled, do not feel comfortable with regards to my safety and the safety of my service dog, Wallace.

9. On January 20th through the 27th, I attended several protests related to the presidential inauguration. These protests were heavily patrolled by the United States Department of Homeland Security (“DHS”) and the Portland Police Bureau (“PPB”).

10. During the Inauguration Day march held on January 20th, protesters assembled around the United States Immigration and Customs Enforcement (“ICE”) facility in Southwest Portland. DHS agents were stationed within and around the perimeter of the building and were monitoring the crowd. They frequently deployed tear gas and pepper balls against

protesters who were peacefully occupying the area around the detention center. They also physically assaulted protesters to try and push the crowd back from the building.

11. Several DHS agents stationed themselves inside and on the roof of the ICE building and began shining floodlights down on the crowd. An agent on the ground shined their flashlight set to strobe on protesters on the street. This was not the first time that DHS had utilized strobing against protesters. I have witnessed several individual officers use the strobe feature on their flashlights to try and disorient protesters, including from windows or the roof of the ICE building. These tactics are very dangerous to photosensitive individuals who can experience seizures among other adverse reactions. I documented the use of strobing by DHS agents against protesters outside of the ICE building. A true and correct copy of this video has been filed with this declaration via thumb drive and is marked as Exhibit 1. In addition, I captured several photographs of DHS agents on the roof of the ICE building. True and correct copies of these have been filed with this declaration and are marked as Exhibit 2, 3, and 4.

12. The Portland Police Bureau (“PPB”) with DHS started implementing crowd control measures and kettling protestors on Abernathy Street between Bond Street and Moody Street. I was pinned in the crowd at the corner of the REACH Community Development Building and the ICE detention center. At this time, DHS agents identified me in the crowd. They would point me out to each other and referred to me as “Professor” or “Doctor.” On several occasions, these agents targeted me specifically. They shot pepper balls in my direction often shooting straight at my head.

13. On January 23rd, I was participating in the protests again when DHS agents arrived to disrupt the event. I walked away from the protest to stand by my car with Wallace. I saw DHS agents notice Wallace and I and proceed to deploy several rounds of tear gas at my vehicle.

14. I have seen DHS and PPB officers engage in this type of tactics before. Officers will shoot pepper balls and spray chemical agents at dogs, including service dogs, they see walking with their owners during protests. Hurting a service dog can incapacitate the owner and is a law enforcement tactic that specifically targets disabled protesters.

15. Law enforcement tactics like rushing the crowd, physically assaulting protesters, strobing, kettling, and deploying chemical munitions are all disproportionately harmful to disabled protestors.

16. I have had to increase my planning and safety tactics considerably, because of these violent strategies. For example, I now leave an extensive documentation list that stays with Wallace in the car just in case I am hurt, harassed, or detained by the police during a protest. I always have to leave Wallace in the car and park at considerable distance from protesting locations to try to prevent law enforcement from harming him.

17. On February 5th and 26th, I, once again, attended protests at the ICE facility. DHS agents used chemical weapons against protesters who had gathered around the ICE facility.

18. Beginning the night of March 8th and into March 9th, the barricades around the courthouse were removed by DHS in anticipation of new barricades being put up by the United States Department of Justice (“DOJ”). This exposed many chemical munitions that had fallen behind and underneath the barricade since July 2020. Because DHS and PPB never cleaned up, these munitions continue to leave behind carcinogens like heavy metal oxide and dust, which were released into open roadways, sidewalks, and bike lanes.

19. On March 11th, Portland’s local Indigenous community organized a protest in solidarity with pipeline protests occurring in other parts of the country. The protest was held in the middle of the day with protesters walking down Southwest Main Street. Without any provocation, DHS agents began firing pepper balls and deploying tear gas against the protesters

who were standing in the sidewalk and street. I also saw DHS agents physically assault people who were peacefully participating in the demonstration. For example, I saw DHS assault Indigenous women who were dancing and engaging in other cultural practices as they marched.

20. The night of March 11th there was another protest which brought a large crowd to downtown Portland.

21. At some point, the plywood that was put up around the Courthouse was spray painted. DHS agents responded by indiscriminately firing smoke munitions and tear gas into the crowd. They covered the entirety of Lownsdale Square, 4th Avenue (across the park from the courthouse), and up Salmon Street to 5th Avenue with gas. DHS agents were armed with long range rifles. They were also very aggressive with protesters, physically pushing or shoving people. They used, among other substances, smoke grenades, tear gas, mace, and pepper balls. DHS deployed two Hexachloroethane (“HC”) smoke grenades, which are extremely toxic into the roadway. While I was recovering one of the HC grenades for my toxicological research, a DHS agent shot me in the left breast with a pepper ball.

22. Throughout the night, law enforcement agents made no effort to accommodate disabled protesters in how they communicated warnings or in providing sufficient time for disabled protestors to disperse.

23. All official law enforcement communication to protestors occurred over long-range auditory devices (“LRAD”). These announcements were not audible from a distance. For example, I could not hear the LRAD which was in front of the courthouse when I was across the street in Lownsdale Square. By contrast, I could clearly hear the music playing from a protester’s mobile speaker in front of the courthouse. No LRAD announcements were made from other locations.

24. In addition, the warnings that DHS did provide did not explicitly state that DHS agents would use force if protesters did not comply. There were no warnings that they

would be using chemical weapons or weapons of any kind against protestors who failed to disperse. They also gave no warnings that they would physically assault or threaten with arrest protestors who were simply gathering in a public area like the park.

25. These practices were very much a continuation of the practices law enforcement engaged in last July including the indiscriminate blanket use of tear gas and highly lethal munition smoke.

26. After the March 11th protest, I was bedridden for two days with severe lethargy and costochondritis (chest wall pain) because of the exposure to HC. Given Wallace's proximity and HC's capacity to permeate barriers, he was likely also exposed to this highly toxic agent. I have attended fewer protests in downtown Portland because of this event and the law enforcement response. I know that downtown Portland is not a safe place for me, and although I will continue to protest, I try to avoid that area as much as possible to avoid the violent responses from law enforcement in recent protests downtown.

27. On April 10th, I attended another protest outside of the ICE facility. I have footage from this protest of DHS shooting chemical munitions out of a hole in a plywood façade. They shot pepper balls at me many times and hit me three times: in the lower back, in my abdomen, and in my forehead. All three left welts and bruises behind that lasted for a week. The bruise on my forehead extended to my temple and resulted in a black eye. This injury caused debilitating headaches that lasted for a week after being shot. I took a photograph of my temple and forehead to document the injury. A true and correct copy of this photograph has been filed with this declaration and is marked as Exhibit 5.

28. On April 12th, I attended another protest at the Penumbra Kelly Building. I was documenting the aftermath of PPB pushing protester back from the building when an officer whose helmet number read "345" approached where I was standing on the sidewalk. I was back from the property and a safe distance from the scene when he started taunting me. He hit me in

the chest with his 40mm shotgun using it as a blunt object to shove me back. During this time, another PPB officer with 345 started documenting the incident on his cell phone. He did not step in to prevent 345 from verbally and physically harassing me.

29. Another officer in the group yelled an anti-disabled derogatory slur towards me (“retard”) and when I requested to know the officer’s name and ID number I was threatened with arrest.

30. The application of PPB’s force towards me contrasted with other individuals at the scene standing similar distances from officers and the ICE facility. They were not targeted, assaulted, or called derogatory names.

31. Throughout my participation in these protests during this year and last year, I have not engaged in any violent behaviors towards any other person or law enforcement, or any actions that threaten public safety.

32. The actions of law enforcement at this year’s protests, coupled with the ongoing effects of my arrest on July 10th of last year, have made the symptoms of my PTSD worse. I have trouble concentrating on my work, difficulty sleeping and must limit the time I spend at protests or in the field because it is not safe for Wallace to be with me.

33. I continue to be hindered by the nerve pain DHS caused in both my wrists during my arrest. At the beginning of my physical therapy, I had a grip strength in the 10th percentile. After six months and 11 visits, I have regained some grip strength, but I am only in the 25th percentile. I am now working with a neuropathy focused physical therapist to continue my progress. I continue to have to limit my time working at my computer due to the strain it causes. My hands often lock in place and I experience severe pain.

34. This has also hindered my ability to meet my basic daily needs like dressing, cleaning, and feeding myself. These activities all strain my hand dexterity and cause numbness and pain.

I declare under penalty of perjury and under the laws of the United States, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, memory, and belief.

Executed on May 12, 2021, in the city of Portland, Oregon.

s/ Juniper Simonis
Juniper Simonis







